

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

FREDERICK N. BANKS
Plaintiff,

v.

**RAYNALDO R. PEREZ, A-1 FREEMAN
MOVING & STORAGE, LLC. AND A-1
FREEMAN NORTH AMERICAN, INC.**
Defendants.

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Civil Action No. _____

Jury Demanded

**Defendants Raynaldo R. Perez, A-1 Freeman North American, Inc.,
and A-1 Freeman Moving & Storage, L.L.C.'s**
Notice of Filing of Removal

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

1. Pursuant to Title 28, United States Code, Sections 1441(b) and 1446, **A-1 Freeman North American, Inc., and A-1 Freeman Moving & Storage, L.L.C., and Raynaldo R. Perez**, Defendants in Cause No. B-200741 in the 60th Judicial District Court of Jefferson County, Texas, file this their Notice of Removal under 28 U.S.C. 1441(b) to remove this matter from state court to the United States District Court for the Eastern District of Texas, Beaumont Division. Other than the filing of responsive pleadings on behalf of all named Defendants, no progress has been made in the State Court suit prior to the filing of this Notice of Removal. As set forth below, the United States District Court has jurisdiction over this case under Title 28, United States Code, Section 1332, because (1) this is a civil action; (2) complete diversity of citizenship exists between the parties in interest, as described below, and (3) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

2. The United States District Court for the Eastern District of Texas, Beaumont

Division, is the proper Court into which to remove this action under 28 U.S.C. § 1441(a) and § 1446(a) because this district and division embrace the place in which the removed action was pending.

Citizenship of the Parties

3. Plaintiff, **Frederick N. Banks**, is a resident and citizen of the State of Texas.

4. Defendants, **A-1 Freeman North American, Inc.**, and **A-1 Freeman Moving & Storage, L.L.C.** are entities organized and existing under and by virtue of the laws of the State of Oklahoma with their principal place(s) of business in the State of Oklahoma.

5. Defendant, **Raynaldo R. Perez**, is a resident and citizen of the State of Oklahoma.

Statement of Causes of Action/Amount in Controversy

6. As pled in the Plaintiff's Original Petition, a true and correct copy of which is attached hereto, this case is based upon claims arising out of personal injuries allegedly suffered by Plaintiff, **Frederick N. Banks**. Plaintiff's claims are based upon allegations of negligence, negligence *per se*, and gross negligence against each of the Defendants, **Raynaldo R. Perez**, **A-1 Freeman North American, Inc.**, and **A-1 Freeman Moving & Storage, L.L.C.** In his Original Petition, **Banks** seeks to recover in excess of two hundred thousand dollars (\$200,000.00) and seeks an award of exemplary damages against each of the Defendants based upon Plaintiff's allegations of gross negligence. It is facially apparent that the damages sought in this case constitute an amount in controversy in excess of \$75,000. *De Aguilar v. Boeing Co.*, 11 F.3d 55, 57 (5th Cir. 1993); *Barton v. Allstate Ins. Co.*, 729 F. Supp. 56, 57 (W.D. Tex. 1990).

Timeliness of Removal

7. Defendant, **Raynaldo R. Perez**, was served on or after November 1, 2017.

Defendants, **A-1 Freeman North American, Inc.**, and **A-1 Freeman Moving & Storage, L.L.C.**, were served on or after November 6, 2017. The Defendants first discovered that this case was removable on or after November 1, 2017 upon receipt of a copy of Plaintiff's Original Petition. As required by 28 U.S.C. Section 1446(b), this Notice of Removal of this civil action is being filed within 30 days after Defendants' receipt of Plaintiff's initial pleading and the date it was first ascertained that the case is one which is removable.

8. A copy of this Notice of Removal has been filed with the clerk of the 60th Judicial District Court of Jefferson County, Texas. Defendants will give written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).

9. All Defendants are joining in, and consent to, this removal.

Compliance with Local Rules

10. Pursuant to 28 U.S.C. § 1446(a) and Rule CV-81 of the Local Rules of the United States District Court for the Eastern District of Texas, the following items are being filed with this Court, either as exhibits to this Notice of Removal or as separate contemporaneous filings:

(1) a civil cover sheet;

(2) a separate Jury Demand pursuant to LOCAL RULE CV-38(a);

An Index of Exhibits is attached as **Exhibit "A"**;

(3) Plaintiff's Original Petition, Requests for Discovery, and Jury Demand are attached as **Exhibit "B"**;

(4) Service Documents for Defendant, **Raynaldo R. Perez**, is attached as **Exhibit "C"**;

(5) Service Documents for Defendant, **A-1 Freeman North American, Inc.**, are attached as **Exhibit "D"**;

(6) Service Documents for Defendant, **A-1 Freeman Moving & Storage, L.L.C.**,

are attached as **Exhibit “E”**;

(7) Defendants’ Original Answer filed with the State Court is attached as **Exhibit “F”**;

(8) Defendants’ Jury Demand filed with the State Court is attached as **Exhibit “G”**;

(9) The State Court’s “Notice of E-File” is attached as **Exhibit “H”**;

(10) A copy of the State Court Docket Sheet is attached as **Exhibit “I”**;

(11) A list of all parties and the status of the removed case is attached as **Exhibit “J”**;

(12) A list of all attorneys involved in the action being removed, and the party or parties represented by him/her, is attached as **Exhibit “K”**;

(13) The name and address of the court from which the case is being removed is attached as **Exhibit “L”**.

11. Upon the filing of this Notice of Removal, the Defendants also provided written notice of this removal to all parties. A copy of this Notice is also being filed with the Clerk of the District Court for Jefferson County where this cause was originally filed.

Prayer

12. WHEREFORE, Defendants, **A-1 Freeman North American, Inc., and A-1 Freeman Moving & Storage, L.L.C., and Raynaldo R. Perez**, pray that this cause proceed in this Court as an action properly removed. Defendants further pray that this Court place this action on its docket for further proceedings as though it had originated in this Court and that this Court issue all necessary orders.

Respectfully submitted,

BROTHERS ALVARADO, P.C.

By: /s/ William J. Cozort, Jr.
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**Attorneys for Defendants, Raynaldo R.
Perez, A-1 Freeman North American, Inc.
and A-1 Freeman Moving & Storage,
L.L.C.**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of *Defendants A-1 Freeman, North American, Inc., A-1 Freeman Moving & Storage, L.L.C., and Raynaldo R. Perez 's Notice of Removal* was served upon the following counsel of record in compliance with Rule 5 of the Federal Rules of Civil Procedure on this the 29th day of November, 2017, as follows.

VIA E-SERVE

Mr. Lorin R. George
GODSEY LAW FIRM
2950 North Loop West, Suite 570
Houston, Texas 77092

BROTHERS ALVARADO, P.C.

By: /s/ William J. Cozort, Jr.
William J. Cozort, Jr.